

)
)
)
)
)
)
)

11290 REK

3. Although the plaintiff is not seeking preliminary injunctive relief, the plaintiff is seeking a permanent injunction prohibiting the defendants from using their marks. Clearly, such a remedy is only effective if it is granted in a timely fashion. Thus, the plaintiff has a strong

interest in having an expeditious resolution to its dilution and Lanham Act claims.

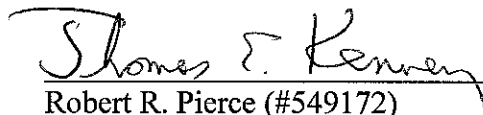
4. Although some minimal discovery is needed to uncover the defendants' intent in adopting the marks in question and use thereof, the plaintiff believes that any such discovery can be completed within sixty days (60 days).

5. Thus, the plaintiff is confident that discovery can be completed by the end of August 2004, and that the parties will be prepared to try the case on the first available date in October of 2004.

6. Such a schedule would not prejudice either party. In fact, it would benefit all parties because it would effectuate an orderly and efficient resolution of this dispute, enabling the parties to learn their rights with respect to their marks as soon as possible.

WHEREFORE, for the reasons set forth above, the plaintiff respectfully requests that this Court enter an Order requiring that the parties complete all discovery in this action by August 31, 2004, and scheduling a trial for the first available date in October of 2004.

LIFE IS GOOD, INC. ,
By its attorneys,


Robert R. Pierce (#549172)
Thomas E. Kenney (#561590)
Pierce & Mandell, P.C.
11 Beacon Street, Suite 800
Boston, MA 02108
(617) 720-2444